



Appeal Decision

Site visit made on 28 July 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2026

Appeal Ref: APP/T5150/C/25/3359501

17 Harlesden Gardens, London NW10 4EY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Homes Holdings 2 Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 16 December 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of a jail-like security gates (*sic*) covering the front door of the premises.
 - The requirements of the notice are: 1. Remove the unauthorised jail-like security gates covering the front door of the premises. 2. Remove all items, fixtures, materials and debris, arising from that removal, from the premises.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (f) appeal

2. The ground of appeal is that the requirements of the enforcement notice are excessive.
3. The appeal property contains a two storey, semi-detached residential building. The notice attacks a black coloured metal security gate, erected immediately forward of the front entrance door to the building.
4. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place (s173(4)(a) of the Act), or it can seek to remedy any injury to amenity caused by the breach (s173(4)(b)). The notice states that its purpose is to remedy the breach, falling within s173(4)(a). This must be the case; by removing the gate along with any associated materials in compliance with the steps set out in the notice the property would then be restored to its condition prior to the breach occurring.
5. The appellant referred to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) which at Article 3(1), Schedule 2, Part 1, Class E, grants planning permission for the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or maintenance, improvement or other alteration of such a building or enclosure. However, the appellant accepted that the building is in use as flats and so is not a 'dwellinghouse' as defined in Article 2(1) of the GPDO. Whether similar gates could be erected at dwellinghouses elsewhere in the street under Part 1,

Class E is of limited relevance to a ground (f) appeal and there is no deemed planning application arising from an appeal made on ground (a).

6. At Article 3(1), Schedule 2, Part 2, Class A, the GPDO grants planning permission for erecting, constructing, maintaining, improving or altering gates, fences, walls or other means of enclosure. The appellant suggested that with a slight reduction in height the gate could be brought within the two metre height limit set out in paragraph A.1(b) of Part 2, Class A. They also suggested that a white colour finish could be applied to the gate.
7. The planning permission granted by Part 2 applies generally, not just to dwellinghouses. At s173(4)(a), the Act also provides for remedying a breach of planning control by making any development comply with the terms, including conditions and limitations, of any planning permission granted in respect of the land. This includes where that planning permission is granted by the GPDO. Moreover, since enforcement action is intended to be a remedial measure, it is highly relevant to consider whether the planning difficulties could be overcome at less cost and disruption than total removal of the gate.
8. Be that as it may, I am not convinced that there is a realistic prospect of a two metre high gate being installed lawfully at the property in the event the notice is upheld. The gate is not a freestanding structure; it is installed within the entrance opening reveals and is physically attached to the building. The works to install the gate have therefore also involved making an alteration to the building. Gates, fences, walls and other means of enclosure are not included in the definition of a 'building' set out in Article 2(1) of the GPDO. I take this to mean that Part 2, Class A does not extend to granting planning permission for works where that would also involve making alterations to a building. Nor to my knowledge does any other Class in another Part of the GPDO grant planning permission for such works.
9. Consequently, the suggested alternative to the notice steps would sustain the breach, as the unauthorised gate would be left in situ. In that eventuality, the property would not be restored to its condition before the breach took place and the purpose of the notice would not be achieved. Such an outcome is not within the scope of what can be accomplished through a ground (f) appeal where, as in this instance, the purpose of the notice is to remedy the breach and there is no appeal on ground (a). The power to allow an appeal on ground (f) does not extend to granting planning permission. No other alternative to the notice steps was suggested and to my mind, nothing short of those steps would remedy the breach.
10. In the circumstances, the notice steps are not excessive; they are a proportionate remedy, being the minimum actions necessary to remedy the breach and in doing so achieve the purpose of the notice. The ground (f) appeal fails.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Stephen Hawkins

INSPECTOR